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Practitioner's Docket No. 05126.00001

PATENT



## REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

### DECLARATION BY THE INVENTORS

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am an original, first and joint inventor of the subject matter that is described and claimed in letters patent number 5,840,531, granted on November 24, 1998, and for which invention I solicit a reissue patent on the invention entitled INGAP PROTEIN INVOLVED IN PANCREATIC ISLET NEOGENESIS, the specification of which as amended by the attached Preliminary Amendment is attached hereto.

### ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR (37 C.F.R. section 1.175)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

In compliance with this duty, there is attached an information disclosure statement in accordance with 37 C.F.R. section 1.98.

### PRIORITY CLAIM

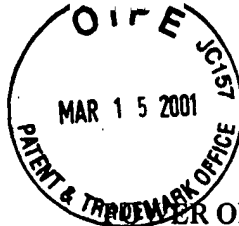
I do not claim foreign priority benefits under Title 35, United States Code, section 119 of any foreign application(s) for patent. No such applications have been filed.

### STATEMENT OF INOPERATIVENESS OR INVALIDITY OF ORIGINAL PATENT (37 C.F.R. section 1.175)

That I verily believe the original patent to be partly inoperative or invalid by reason of (37 C.F.R. section 1.175(a)(1)):

- \* the patentee claiming more or less than the patentee had a right to claim in the patent.

That the error listed above, which is being corrected, up to the time of the filing of this reissue declaration arose without any deceptive intention on the part of the applicant. (37 C.F.R. section 1.175(a)(2)).



I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

|                           |        |                        |        |
|---------------------------|--------|------------------------|--------|
| ALTHERR, Robert F.        | 31,810 | MANNAVA, Ashok K.      | 45,301 |
| BANNER, Donald W.         | 17,037 | McDERMOTT, Peter D.    | 29,411 |
| BANNER, Mark T.           | 29,888 | McKEE, Christopher L.  | 32,384 |
| BANNER, Pamela I.         | 33,644 | McKIE, Edward F.       | 17,335 |
| BECKETT, William W.       | 18,262 | MEDLOCK, Nina L.       | 29,673 |
| BODNER, Jordan            | 42,338 | MEECE, Timothy C.      | 38,553 |
| BUROW, Scott A.           | 42,373 | MEEKER, Frederic M.    | 35,282 |
| CALLAHAN, James V.        | 20,095 | MILLER, Charles L.     | 43,805 |
| CHANG, Steve S.           | 42,402 | MITRIUS, Janice V.     | 43,808 |
| COHAN, Gregory J.         | 40,959 | MORENO, Christopher P. | 38,566 |
| COOPERMAN, Marc S.        | 34,143 | NELSON, Jon O.         | 24,566 |
| CURTIN, Joseph P.         | 34,571 | NIEGOWSKI, James A.    | 28,331 |
| DAWSON, John R.           | 39,504 | PATEL, Binal J.        | 42,065 |
| DEMOOR, Laura J.          | 39,654 | PATHAK, Ajay S.        | 38,266 |
| EVANS, Thomas L.          | 35,805 | PAYNE, Stephen S.      | 35,316 |
| FEDOROCHKO, Gary D.       | 35,509 | PETERSON, Thomas L.    | 30,969 |
| FISHER, William J.        | 32,133 | POTENZA, Joseph M.     | 28,175 |
| GLEMBOCKI, Christopher R. | 38,800 | PRATT, Thomas K.       | 37,210 |
| HANLON, Brian E.          | 40,449 | RENK, Christopher J.   | 33,761 |
| HEMMENDINGER, Lisa M.     | 42,653 | RESIS, Robert H.       | 32,168 |
| HONG, Patricia E.         | 34,373 | RIVARD, Paul M.        | 43,446 |
| HOSCHEIT, Dale H.         | 19,090 | SCHAD, Steve P.        | 32,550 |
| IWANICKI, John P.         | 34,628 | SHIFLEY, Charles W.    | 28,042 |
| JACKSON, Thomas H.        | 29,808 | SKERPON, Joseph M.     | 29,864 |
| KAGAN, Sarah A.           | 32,141 | STOCKLEY, D. J.        | 34,257 |
| KATZ, Robert S.           | 36,402 | VAN ES, J. Pieter      | 37,746 |
| KLEIN, William J.         | 43,719 | WITCOFF, Sheldon W.    | 17,399 |
| KRAUSE, Joseph P.         | 32,578 | WOLFFE, Franklin D.    | 19,724 |
| LINEK, Ernest V.          | 29,822 | WOLFFE, Susan A.       | 33,568 |
| MALONE, Dale A.           | 32,155 | WRIGHT, Bradley C.     | 38,061 |



I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

Address: Sarah A. Kagan  
Banner & Witcoff, Ltd.  
1001 G Street, N.W.  
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202-508-9100

Customer No.: 22,907

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURES BY THE INVENTORS

Full name of sole or first inventor: Aaron I. Vinik

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Country of Citizenship: United States

Residence: Norfolk, VA

Post Office Address:

40 Rader Street #603  
Norfolk, VA 23510

Full name of second joint inventor: Gary L. Pittenger

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Country of Citizenship: United States

Residence: Virginia Beach, VA

Post Office Address: 3701 Prince Andrew Lane  
Virginia Beach, VA 23452

Full name of third joint inventor: Ronit Rafaeloff

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Country of Citizenship: Israel

Residence: Norfolk, VA

Post Office Address: 1040 Spotswood Avenue #102  
Norfolk, VA 23507

Full name of fourth joint inventor: Lawrence Rosenberg

Inventor's signature L. Rosenberg \_\_\_\_\_

Date Nov. 19/00 \_\_\_\_\_

Country of Citizenship: Canada

Residence: Montreal, Canada

Post Office Address: 6507 Fern Road  
Montreal H4V1E4  
Canada

Full name of fifth joint inventor:

William P. Duguid (Deceased)

Inventor's signature Jean T.S. Duguid  
Mrs. Jean T.S. Duguid  
Legal Representative

Date 17<sup>th</sup> November, 2000

Country of Citizenship: Canada

Residence: Quebec, Canada

Post Office Address:

209 Calais Drive  
Baie d'Urfe, Quebec, Canada H9X 2L6

**REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY  
(BY INVENTOR(S) OR ASSIGNEE)**

**ADDED PAGE**

The claims are wholly or partly invalid because claim 12 inadvertently reads on a genomic sequence in its natural state.

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**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Re Application of

Aaron I. Vinik et al.

Reissue of U.S. Patent No. 5,840,531

Issued: November 24, 1998

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Group Art Unit:

)

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Examiner:

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Atty. Dkt. No. 05126.00001

For: **INGAP PROTEIN INVOLVED IN PANCREATIC ISLET NEOGENESIS**

**STATEMENT UNDER 37 C.F.R. §3.73**

The Honorable Assistant Commissioner

For Patents

Washington, D.C. 20231

Sir:

Eastern Virginia Medical School of the Medical College of Hampton Roads and McGill University are the owners of undivided interests in the patent named above by virtue of assignments recorded at

Reel 8434, frame 0560

Reel 8434, frame 0585

respectively.

The undersigned are authorized to act on behalf of the respective assignees.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Name:

Title:

Eastern Virginia Medical School of the  
Medical College of Hampton Roads

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Name: R.D. Brassinga  
Title: Assoc. Director, OTT  
McGill University



ASSENT BY ASSIGNEE FOR FILING OF REISSUE APPLICATION

This is part of the application for a reissue patent filed herewith based on the original patent identified as follows:

Name of Patentee: McGill University

Patent Number: 5,840,531

Date Patent Issued: 11/24/1998

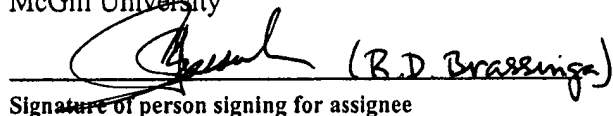
Title of Invention: INGAP PROTEIN INVOLVED IN PANCREATIC ISLET NEOGENESIS

I am an assignee owning an undivided interest to the above original patent.

I assent to the accompanying application for reissue.

Attached is a "Statement under 37 C.F.R. section 3.73(b) -- Establishing Right of Assignee to Take Action."

McGill University

 (R.D. Brasinga)  
Signature of person signing for assignee

Date: Nov. 13, 2000



**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
Aaron I. Vinik et al. ) Group Art Unit:  
Reissue of U.S. Patent No. 5,840,531 ) Examiner:  
Issued: November 24, 1998 ) Atty. Dkt. No. 05126.00001

For: INGAP PROTEIN INVOLVED IN PANCREATIC ISLET NEOGENESIS

**STATEMENT UNDER 37 C.F.R. §3.73**

The Honorable Assistant Commissioner  
For Patents  
Washington, D.C. 20231

Sir:

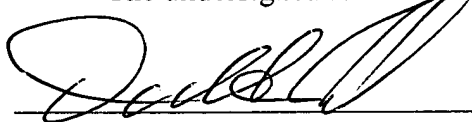
Eastern Virginia Medical School of the Medical College of Hampton Roads and McGill  
University are the owners of undivided interests in the patent named above by virtue of assignments  
recorded at

Reel 8434, frame 0560

Reel 8434, frame 0585

respectively.

The undersigned are authorized to act on behalf of the respective assignees.



Signature

November 14, 2000

Date  
Name: David E. Thiel  
Title: Vice President for Administration & Finance  
Eastern Virginia Medical School of the  
Medical College of Hampton Roads

Signature

Date  
Name:  
Title:  
McGill University

ASSENT BY ASSIGNEE FOR FILING OF REISSUE APPLICATION

This is part of the application for a reissue patent filed herewith based on the original patent identified as follows:

Name of Patentee: Eastern Virginia Medical School of the Medicine College of Hampton Roads

Patent Number: 5,840,531

Date Patent Issued: 11/24/1998

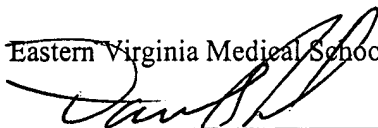
Title of Invention: INGAP PROTEIN INVOLVED IN PANCREATIC ISLET NEOGENESIS

I am an assignee owning an undivided interest to the above original patent.

I assent to the accompanying application for reissue.

Attached is a "Statement under 37 C.F.R. section 3.73(b) -- Establishing Right of Assignee to Take Action."

Eastern Virginia Medical School of the Medicine College of Hampton Roads



Date:

November 14, 2000

Signature of person signing for assignee

David E. Thiel  
Vice President for  
Administration & Finance